



Texas Department of Insurance

Division of Workers' Compensation

Medical Fee Dispute Resolution, MS-48

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MEDICAL FEE DISPUTE RESOLUTION FINDINGS AND DECISION

GENERAL INFORMATION

Requestor Name

NABIL BISHARA

Respondent Name

EL PASO COUNTY

MFDR Tracking Number

M4-13-3057-01

Carrier's Austin Representative

Box Number 19

MFDR Date Received

July 18, 2013

REQUESTOR'S POSITION SUMMARY

Requestor's Position Summary: "The enclosed claim was reduced in error. This claim was for a Division ordered Designated Doctor Exam. We billed a total of \$2,350.00 for this claim but were paid only \$500.00. The explanation given on the EOB justifying the denial states: *THE BENEFIT FOR THIS SERVICE IS INCLUDED IN THE PAYMENT/ALLOWANCE FOR ANOTHER SERVICE/PROCEDURE THAT HAS ALREADY BEEN ADJUDICATED*, however, this is incorrect. The reduction of parts of this claim is in violation of the rules of the Texas Department of Insurance Division of Workers' Compensation as this service was ordered on the DWC-32."

Amount in Dispute: \$150.00

RESPONDENT'S POSITION SUMMARY

Respondent's Position Summary: "The issue is in regards to the reimbursement for procedure code 99456W5WP billed twice on the same date of service for maximum improvement and impairment rating.

According to the medical records the MMI date was 04/04/12. The impairment rating was 0% whole person for right ankle. However, the medical records did not include calculation tables, figures or worksheets required by §134.204(j)(1)(D) indicating how the impairment rating was determined. Therefore, the prior reimbursement was \$350.00 for MMI and \$150.00 for the impairment rating for a total of \$500.00"

Response Submitted by: Argus Services Corporation

SUMMARY OF FINDINGS

Dates of Service	Disputed Services	Amount In Dispute	Amount Due
August 21, 2012	CPT Code 99456-W5-WP	\$150.00	\$ 0.00

FINDINGS AND DECISION

This medical fee dispute is decided pursuant to Texas Labor Code §413.031 and all applicable, adopted rules of the Texas Department of Insurance, Division of Workers' Compensation.

Background

1. 28 Texas Administrative Code §133.307 sets out the procedures for resolving medical fee disputes.
2. 28 Texas Administrative Code §134.204 sets out the fee guideline for workers' compensation specific services.
3. The services in dispute were reduced/denied by the respondent with the following reason codes:
 - 97H – The benefit for this service is included in the payment/allowance for another service/procedure that has

already been adjudicated.*Service(s)/ Procedure is included in the value of another service/procedure billed on the same date.*

- 193 – Original payment decision is being maintained. Upon review, it was determined that this claim was processed properly

Issues

1. Is the requestor entitled to reimbursement?

Findings

1. 28 Texas Labor Code §134.204 states: (j) Maximum Medical Improvement and/or Impairment Rating (MMI/IR) examinations shall be billed and reimbursed as follows: (1) The total MAR for an MMI/IR examination shall be equal to the MMI evaluation reimbursement plus the reimbursement for the body area(s) evaluated for the assignment of an IR. The MMI/IR examination shall include... (C) If the examining doctor determines MMI has been reached and an IR evaluation is performed, both the MMI evaluation and the IR evaluation portions of the examination shall be billed and reimbursed in accordance with paragraphs (3) and (4) of this subsection (3) The following applies for billing and reimbursement of an MMI evaluation (C) An examining doctor, other than the treating doctor, shall bill using CPT Code 99456. Reimbursement shall be \$350 (4) The following applies for billing and reimbursement of an IR evaluation (A) The HCP shall include billing components of the IR evaluation with the applicable MMI evaluation CPT code. The number of body areas rated shall be indicated in the units column of the billing form (C) For musculoskeletal body areas, the examining doctor may bill for a maximum of three body areas (i) Musculoskeletal body areas are defined as follows: (I) spine and pelvis; (II) upper extremities and hands; and, (III) lower extremities (including feet). (ii) The MAR for musculoskeletal body areas shall be as follows. (I) \$150 for each body area if the Diagnosis Related Estimates (DRE) method found in the AMA Guides 4th edition is used. (II) If full physical evaluation, with range of motion, is performed: (-a-) \$300 for the first musculoskeletal body area; and (-b-) \$150 for each additional musculoskeletal body area.

Review of the requestor's submitted documentation finds the examining doctor performed services on August 21, 2012 for a Designated Doctor Examination to address the following issues of Maximum Medical Improvement and Impairment rating. The designated doctor examination report indicates that maximum medical improvement and impairment was addressed however in the impairment rating portion of the exam there was one body area rated but no method of the Musculoskeletal body area of how the area was rated is mentioned.

Requestor billed for CPT Code 99456-W5-WP with one unit in the amount of \$950.00 (not in dispute), CPT Code 99456-W5-WP with one unit in the amount of \$800.00 and CPT Code 99456-W6-RE (not in dispute).

Medical bill provided shows the requestor billed twice for examination of maximum medical improvement and impairment rating which explanation of benefits show the carrier has reimbursed the requestor for the services performed on August 21, 2012 in the amount of \$500.00. Therefore, no additional reimbursement is allowed for CPT Code 99456-W5-WP in dispute.

2. The respondent issued payment in the amount of \$500.00 for CPT Code 99456-W5-WP. Based upon the documentation submitted, no additional reimbursement is recommended

Conclusion

For the reasons stated above, the Division finds that the requestor has not established that additional reimbursement is due. As a result, the amount ordered is \$0.00.

ORDER

Based upon the documentation submitted by the parties and in accordance with the provisions of Texas Labor Code §413.031, the Division has determined that the requestor is entitled to \$0.00 reimbursement for the disputed services.

Authorized Signature

Signature

Medical Fee Dispute Resolution Officer

6/9/14

Date

YOUR RIGHT TO APPEAL

Either party to this medical fee dispute has a right to seek review of this decision in accordance with 28 Texas Administrative Code §133.307, effective May 31, 2012, 37 *Texas Register* 3833, **applicable to disputes filed on or after June 1, 2012.**

A party seeking review must submit a **Request to Schedule a Benefit Review Conference to Appeal a Medical Fee Dispute Decision** (form **DWC045M**) in accordance with the instructions on the form. The request must be received by the Division within **twenty** days of your receipt of this decision. The request may be faxed, mailed or personally delivered to the Division using the contact information listed on the form or to the field office handling the claim.

The party seeking review of the MDR decision shall deliver a copy of the request to all other parties involved in the dispute at the same time the request is filed with the Division. **Please include a copy of the *Medical Fee Dispute Resolution Findings and Decision*** together with any other required information specified in 28 Texas Administrative Code §141.1(d).

Si prefiere hablar con una persona en español acerca de ésta correspondencia, favor de llamar a 512-804-4812.